

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES A. LOSSIA,

Plaintiff,

v.

Civil No. 23-10502

Honorable

Mag. Judge

FEDERAL STUDENT AID
DEPARTMENT - DEPARTMENT OF
EDUCATION,

Defendant.

Notice of Removal

Defendant, U.S. Department of Education, petitioner herein, by its attorneys, pursuant to 28 U.S.C. §§ 1442(a)(1) and 1446, hereby removes this action (Case No. 2022-SC22H0246-SC), which was pending in the 47th District Court for the State of Michigan from said state court to the United States District Court for the Eastern District of Michigan, Southern Division.

Plaintiff, without effecting proper service, sued petitioner in small claims court in the State of Michigan for violation of the Fair Credit Reporting Act and the “FBCA.” Plaintiff improperly obtained a default judgment. This action is removable because plaintiff’s claim is one against the “United States or any agency thereof or any officer . . . of the United States or of any agency thereof, sued in an

official or individual capacity for any act under color of such office . . .” 28 U.S.C. § 1442(a)(1).

The above-entitled action was filed against defendant in state court on or about December 15, 2022. Defendant has not been properly served but obtained a copy of the opening pleading, the Affidavit and Claim, on February 24, 2023. Copies of all process and pleadings in possession of petitioner are attached hereto. Notice of the filing of a notice of removal has also been sent to the state court.

Respectfully submitted,

Dawn N. Ison
United States Attorney

/s/ Jennifer L. Newby
JENNIFER L. NEWBY (P68891)
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-0295
Jennifer.Newby@usdoj.gov

Date: March 1, 2023

Certificate of Service

I hereby certify that on March 1, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system. I further certify that I have mailed by U.S. mail the foregoing paper to the following non-ECF participants:

James A. Lossia
31750 Lakeside Drive
Farmington Hills, MI 48334

/s/ Jennifer L. Newby
JENNIFER L. NEWBY (P68891)
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-0295
Jennifer.Newby@usdoj.gov

383-90-5183

47th STATE OF MICHIGAN JUDICIAL DISTRICT	AFFIDAVIT AND CLAIM Small Claims	CASE NO. and JUDGE SC22H0246
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Court address
31605 W Eleven Mile Rd, Farmington Hills, MI 48336

Court telephone no.
(248) 871-2900

See additional notice and instructions on page 2.

1. James A Lossia
Plaintiff
31750 Lakeside dr.
Address
Farmington Hills, MI. 48334 248-228-5000
City, state, zip Telephone no.
2. Federal Student Aid dept. US Dept of Education
Defendant
830 First St NE
Address
Washington, DC 20002 202-879-5276
City, state, zip Telephone no.

NOTICE OF HEARING For Court Use Only	
The plaintiff and the defendant must be in court on	
Day	Date
at _____ at <input type="checkbox"/> the court address above.	
Time	
<input type="checkbox"/> Location	
Cert Mail Fee paid: \$ _____	
Process server's name	

- ☐ 3. A civil action between these parties or other parties arising out of the transaction or occurrence alleged in this complaint has been previously filed in ☐ this court ☐ _____ Court.

It was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

4. I have knowledge or belief about all the facts stated in this affidavit and I am
☒ the plaintiff or his/her guardian, conservator, or next friend. ☐ a partner. ☐ a full-time employee of the plaintiff.

5. The plaintiff is ☒ an individual. ☐ a partnership. ☐ a corporation. ☐ a sole proprietor. ☐ _____

6. The defendant is ☐ an individual. ☐ a partnership. ☐ a corporation. ☐ a sole proprietor. ☒ Gov't Agency

7. The date(s) the claim arose is/are _____

Attach separate sheets if necessary

8. Amount of money claimed is \$ 6500 . (Note: Plaintiff's costs are determined by the court and awarded as appropriate.

9. The reasons for the claim are: The Defendant, who is a gov't agency have knowingly and willingly violated the very basic policies

of the FCRA & FBICA by re-aging my Student loans from 2012-2015 to Feb, 2019. Defendant has also willingly provided false

information to Experian, TransUnion and Equifax dropng my credit score by 100pts. causing me great financial harm.

claim took place in Farmington Hills giving this court Jurisdiction

10. The plaintiff understands and accepts that the claim is limited to \$6,500 by law and that the plaintiff gives up the rights to
(a) recover more than this limit, (b) an attorney, (c) a jury trial, and (d) appeal the judge's decision.

Affidavit and Claim, Small Claims (6/22)
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Case No. SC22H0246

11. I believe the defendant ☒ is ☐ is not mentally competent. I believe the defendant ☐ is ☐ is not 18 years or older.

12. ☐ I do not know whether the defendant is in the military service. ☒ The defendant is not in the military service.
☐ The defendant is in the military service.

Subscribed and sworn to before me on 12/15/22
Date

[Signature]
Signature

[Signature]
Deputy clerk/Notary public signature

My commission expires on _____
Name (type or print)

Notary public, State of Michigan, County of _____ ☐ Acting in the County of _____
☐ This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

ADDITIONAL NOTICE AND INSTRUCTIONS

TO BOTH THE PLAINTIFF AND THE DEFENDANT:

- You must bring to the hearing all witnesses, books, papers, and other physical evidence needed to prove or disprove this claim.
- Before the trial (hearing) starts, you have the right to
 - remove the case to the general civil division of the district court, or
 - have the case heard by a district court judge (if the hearing is scheduled before an attorney magistrate). If the case is heard by an attorney magistrate, you may appeal to the district judge within 7 days after the trial.
- If the case is tried in the small claims division, you give up the right to an attorney, to a jury trial, and to appeal the judge's decision.

If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

TO THE DEFENDANT:

- The affidavit and claim you have just received means you are being sued in the small claims division of the district court.
- The court is being asked to decide a matter that the plaintiff says is your obligation and responsibility.
- If you wish to deny this claim or arrange terms of payment, you must make your request by appearing at the date, time, and place stated in the notice of hearing on the front of this form.
- If you do not appear at the date, time, and place stated, a default judgment may be entered against you for the amount stated in item 8, including the costs of this action.
- If the dispute is settled before or at the hearing, you may have to pay the plaintiff's costs.
- In case a judgment is entered against you at the hearing, you should be prepared to pay the amount stated in item 8, including the costs of this action, or to make arrangements for installment payments.

Case Details

Additional Resources

Case ID	2022-SC22H0246-SC	Court Location	47th District Court - Farmington Hills
Case Entitlement	LOSSIA V FEDERAL STUDENT AID DEPT-DEPT OF ED	Judge of Record	FRIEDRICH,MATTHEW M.,
Date Filed	12/15/2022	Case Status	CLOSED
Balance			

Parties (2)

Party Name	Party Type/Number
LOSSIA/JAMES/	PLAINTIFF - 1
Attorney Name	Alternate Name(s)
Answer Date	Service Date
Disposition	Disposition Date

Party Name	Party Type/Number
FEDERAL STUDENT AID DEPT-DEPT OF ED//	DEFENDANT - 1
Attorney Name	Alternate Name(s)
Answer Date	Service Date
Disposition	Disposition Date
JUDGMENT ENTERED BY DEFAULT	02/14/2023

Bonds (0)

Hearings (0)

Events (10)



Event Date		
02/14/2023		
Description		
JUDGMENT ENTERED BY DEFAULT		
Party/Count	Amount	Clerk
D1	\$6,578.00	GM
Description		
JUDGMENT ISSUED SMALL CLAIMS		
Party/Count		Clerk

D1			GM
Event Date 02/08/2023			
Description EXHIBITS FILED			
Party/Count P1		Receipt No./Date/Judge 1-65	Clerk GM
Event Date 01/05/2023			
Description REVIEW ADJOURNED CERTIFIED MAIL -			
Party/Count D1			Clerk LM
Description PRE-TRIAL SCHEDULED SMALL CLAIMS			
Party/Count ALL			Clerk LM
Description NOTICE ISSUED TO APPEAR			
Party/Count ALL			Clerk LM
Description NOTICE MAILED			
Party/Count ALL		Receipt No./Date/Judge ZOOM	Clerk LM
Event Date 12/15/2022			
Description AFFDV & CLM FILED			
Party/Count P1	Amount \$6,500.00		Clerk GM
Description AFFDV & CLM ISSUED			
Party/Count D1		Receipt No./Date/Judge CERT	Clerk GM
Description REVIEW SCHEDULED CERTIFIED MAIL -			
Party/Count D1			Clerk GM
Garnishments (0)			